



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
#SP-2004-04

May 17, 2004

Thomas & Ann Trudeau
58 Off Harlington Ave
Concord, MA 01742

RE: DES Wetlands File #1999-00610 376 Sewall Rd, Wolfeboro

Dear Mr. and Mrs. Trudeau:

On May 5, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wolfeboro Tax Map 241 as Lot 1 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, New Hampshire Wetlands Law and RSA 483-B, the Comprehensive Shoreland Protection Act, as well as the applicable rules promulgated by these statutes.

During the inspection the following deficiencies were documented:

1. The boathouse has a full second floor that is being used as a storage area. Condition #7 of the permit specifies that the boathouse shall be a single story structure.
2. A patio measuring approximately 28 feet by 14.5 feet, covering 406 feet adjacent to the Lake Winnepesaukee reference line, is in violation of the Comprehensive Shoreland Protection Act ("CSPA").

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval.

The boathouse may be brought into compliance by removal of the 2nd floor.

The CSPA allows small accessory structures of no larger than 150 square feet to be a minimum of 20 feet from the lake reference line (normal high water line). An access path, no wider than 6 feet is also permitted.

Your restoration plan should outline how the patio and boathouse will be brought into compliance. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions; and
 2. Proposed conditions after restoration;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restored patio area;
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

RSA 483-B, the Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-WS 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A or 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act. Should you have any questions regarding this letter, or wish to arrange a meeting, please Allyson Gourley at (603) 271-6876.

Sincerely,

COPY 

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL # 7002 3150 0001 5411 0718

cc: Rene Pelletier, Manager, Land Resources Management Program
✓ Gretchen R. Hamel, Administrator, DES Legal Unit
Wolfeboro Board of Selectmen
Wolfeboro Conservation Commission